

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 21-34 are now pending, wherein original claims 1-20 have been canceled and new claims 21-34 have been added.

Applicants would like to note that an Information Disclosure Statement will be filed shortly after the filing of this amendment. Accordingly, Applicants respectfully request that the Examiner consider the documents cited therein, and indicate such consideration by returning an Examiner-initialed copy of the accompanying form PTO-1449.

Applicants note with appreciation the Examiner's consideration of the documents submitted in the Information Disclosure Statement filed on August 9, 2000.

In the first paragraph of the Office Action the claims are objected for minor informalities. Specifically, the claims are objected to because they are not listed on a separate sheet of paper. Attached herewith is a clean and marked-up copy of a replacement section for the current Claims section. Applicants respectfully request that this replacement Claims section be entered into the application prior to the claim amendments indicated above. Accordingly, withdrawal of this objection is respectfully requested.

In the second through fifth paragraphs of the Office Action claims 1, 11 and 12 are rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 2 of U.S. Patent No. 6,195,648 to Simon et al. ("Simon"). This ground of rejection is respectfully traversed.

Claims 1-20 have been canceled, thereby rendering this ground of rejection moot. Moreover, it is respectfully submitted that new claims 21-34 are patentably distinguishable over Simon. Accordingly, withdrawal of this ground of rejection is respectfully requested.

In the sixth through eighth paragraphs of the Office Action claims 1-20 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 5,969,633 to Rösler ("Rösler"). This ground of rejection is respectfully traversed.

Rösler does not render claim 21 unpatentable because Rösler does not disclose or suggest the steps of "receiving a code via a keypad" and "disabling a system which supports causing ignition in an engine of the vehicle if, prior to the expiration of the

payment interval, there is no agreement between the code received via the keypad and the reference code, wherein said system includes only components not dedicated to directly causing a spark to initiate combustion.”

Rösler discloses a device for clearing and/or activating an object. Specifically, a user enters a code into the device. In one embodiment, if the code entered into the device is accepted by an evaluation unit then the a key is coded by the device. When the user desires to operate the object, the user inserts the coded key. If the coded key is accepted by the device, the user is allowed to operate the object.

Accordingly, the device in Rösler employs a coded key to *activate* the object. In contrast, Applicants’ claim 21 recites that a system which supports causing ignition in the engine of the vehicle is *disabled* if there is no agreement between the code received via the keypad and the reference code. Since the device of Rösler leaves the object in a *disabled* state until a coded key is approved by the device, the device of Rösler does not *disable* the object upon if the coded key is not accepted by the device. From the disclosure of Rösler it appears that if the coded key is not accepted by the device, the device performs no actions with respect to the object, i.e., it does not disable the object. For example, Rösler at column 4, lines 27-28, states that “[s]hould the evaluation unit 6 not accept the code from the key 20, then the clearing device 8 *remains* blocked.” (emphasis added).

Additionally, Rösler employs *a coded key* for allowing use of the object. In contrast, Applicants’ claim 21 recites employing the *code received from the keypad* to determine whether to disable the vehicle. Many advantages are realized by employing codes received via a keypad, in contrast to the coded key of Rösler. For example, because Rösler employs a coded key to allow use of the object, Rösler discloses techniques which are implemented if the coded key is lost. These techniques include having to clear the device such that the lost coded key cannot be employed to operate the device, and having to obtain a new code and code a new key. In contrast to Rösler’s use of a coded key which could be lost, Applicants’ claims recite employing a code which is entered into a keypad. By only employing a code which is entered into a keypad, instead of a coded key, the users of the vehicle disablement device of Applicants’ claimed invention need not perform

additional procedures to essentially invalidate the current activation mechanism, e.g., the lost coded key of Rösler. Instead, the users of the vehicle disablement device of Applicants' claimed invention need only contact their lender/lessor to obtain the same code.

Moreover, it appears that the rejection of Applicants' claims under 35 U.S.C. §103(a) does not satisfy the requirements of such a rejection. Specifically, an obviousness rejection requires the provision of some type of motivation for combining or modifying prior art disclosures. To reject Applicants' claims the Office Action relies upon the disclosure in the Background section of the present application to remedy some of the deficiencies of Rösler with respect to Applicants' claims. However, the Office Action has not indicated why one of ordinary skill in the art would have found it obvious to modify Rösler to include the material discussed in the Background section of the present application. Hence, it is respectfully submitted that such a combination is improper.

Applicants note that the Office Action has taken Official Notice that "it is old and well known in the business practice that payment is generated with deadline due date when a loan is being enforced." Applicants respectfully traverse the Official Notice and respectfully request that a prior art reference be provided which discloses what is allegedly well known in the art so that Applicants' have a full and fair opportunity to respond to any such combination.

Claims 22-25 variously depend from claim 21, and are, therefore, patentably distinguishable over Rösler for at least those reasons stated above with regard to claim 21.

Independent claims 26 and 31 recite similar elements to those discussed above with regard to claim 21, and are, therefore patentably distinguishable over Rösler for similar reasons to those discussed above with regard to claim 21.

Claims 27-30 and 32-34 variously depend from claims 26 and 31, and are, therefore, patentably distinguishable over Rösler for at least those reasons stated above with regard to claims 26 and 31.

For at least those reasons stated above, it is respectfully submitted that new claims 21-34 are patentably distinguishable over Rösler.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

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